

REMARKS

By the foregoing amendments, claims 1, 17 and 20 have been amended. Thus, claims 1, 4, 6-18, 20-25, 28 and 29 remain in the application.

Claims 1, 4, 6-18, 28 and 29 were rejected in the outstanding Office Action under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons stated on page 2 of the Office Action. Responsive to this rejection, by the above amendments independent claims 1, 17 and 20 have been amended to change the expressions “a handle” and “a platform” to --the handle-- and --the platform-- consistent with the handle and platform previously recited. In view of the changes, it is respectfully submitted that the claims are proper under 35 U.S.C. § 112, second paragraph.

Claims 1, 6, 7, 9, 10 and 12 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over the newly cited patent to Mastrogiannis, U.S. 4,310,070 in view of the newly cited patent to Kitson, U.S. 4,899,989. The references were combined for the reasons and in the manner set forth on pages 2 and 3 of the Office Action.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mastrogiannis in view of Kitson as applied to claim 1, and further in view of the newly cited patent to Vollar, et al. U.S. 3,968,858 as set forth on page 3 of the Office Action.

Claims 1, 6, 7, 8 and 10 have been rejected under 35 U.S.C. § 102(b) [sic], apparently 103(a), as being unpatentable over Ho, U.S. 4,828,072 in view of the patent to Taylor, U.S. 5,295,357. The references are combined for the reasons and in the manner set forth on page 3 of the Office Action.

Claims 4 and 14-16 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Ho and Taylor as applied to claim 1, and further in view of the patent to Bennett, U.S. 2,647,675. The references are combined in the manner stated on page 4 of the Office Action.

Claims 6-8, 11, 17, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ho and Taylor as applied to claim 1, and further in view of either Freeman, U.S. 5,927,440 or Maubach, et al., U.S. 4,467,889. The references are cited for the reasons set forth on pages 4 and 5 of the Office Action.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ho in view of Taylor and either Freeman or Maubach, et al. as applied to claim 17, and further in view of the patent to Forbes, U.S. 2,736,526 as stated on page 5 of the Office Action.

Claims 20-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ho and Taylor as applied to claim 1, and further in view of the patent to Schworer, U.S. 5,000,287. The references are combined in the manner stated on pages 5 and 6 of the Office Action.

Claims 4, 10 and 14-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mastrogiannis in view of Kitson as applied to claim 1, and further in view of Bixby, U.S. 5,141,181 as stated on pages 6 and 7 of the Office Action.

Claims 6-8, 11, 17, 18, 28 and 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mastrogiannis in view of Kitson and Bixby as applied to claim 4, and further in view of either Freeman or Maubach, et al. as stated on page 7 of the Office Action.

Claims 20-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mastrogiannis in view of Kitson and Bixby and further in view of Schworer as stated on pages 7 and 8 of the Office Action.

These rejections are hereby traversed and reconsideration thereof is respectfully requested in view of the above amendments to the claims and the remarks set forth below.

By the above amendments each of independent claims 1, 17 and 20 have been amended to recite that the two climbing consoles of the climbing aid are independently operable. That is, the two climbing consoles can be operated or driven independently. The specification supports the amendment, see for example the operation of the left and right consoles, 13 and 15, respectively, in Figures 1-3 whose independent operation is described on page 11 of the Substitute Specification.

The amendments to the claims are believed to further distinguish the present invention from the cited references. In particular, the primary reference to Ho, U.S. 4,828,072 is for an arrangement wherein a single slider 14 is adapted to carry an occupant 15 in a lift-like manner up and down a column 12 on the exterior of a building. The system of Ho does not comprise two climbing consoles independently operable and arranged at one rail-like profile for the ascent and/or descent of a person on an object of great height such as a high-voltage pole, a tall building, a cableway mast, a silo, a building wall, or a shaft wall as in the present invention.

The present invention is also fundamentally different from the lifting and descent mechanism-criquet of the other primary reference to Mastrogiannis, U.S. 4,310,070. In Mastrogiannis, only two foot pedals are

disclosed, which can be moved on a profile upwards and downwards. Mastrogiannis does not disclose use of two consoles as disclosed and claimed by Applicants wherein each console is longitudinally extended with a handle arranged at the top end in the direction of ascent and a platform arranged at the downward end, and wherein a personal safety device is provided on the climbing aid. The numerous secondary references relied upon in the plurality of rejections under 35 U.S.C. § 103 do not provide for the aforementioned deficiencies of the primary references. The newly cited patent to Kitson, et al., U.S. 4,899,989 merely discloses a slidable handle 2 for movement along an inclined railing as a person climbs or descends stairs. The slidable handle is not part of a console with a handle at the top end and a platform at the downward end as in the present invention.

The newly cited patent to Taylor discloses a utility construction safety and work platform having a harness at 66, 68. However, the platform of Taylor is for attachment to the top of a manhole casing during utility construction, not an arrangement for the ascent and/or descent of an object of great height such as a building wall for which the present invention is directed.

The newly cited patent to Vollan, et al., U.S. 3,968,858 was cited for its disclosure of a harness at 41, 42. The climbing device of Vollan also fails to teach the arrangement of the present invention with the two climbing consoles independently operable for ascending or descending an object of great height.

The newly cited patent to Bixby is for a platform lift apparatus. The reference was cited for its disclosure of a pinion 29, rack 26 and gear drive at 28. However, in Bixby the platform lift apparatus is not an arrangement having a rail-like profile and a climbing aid arranged thereon which includes

two independently operable consoles each being longitudinally extended with a handle arranged at the top end in the direct of the ascent and a platform arranged at the downward end as disclosed and claimed by Applicants.

The additional secondary references to Burnett, Freeman, Maubach, et al., Forbes, and Schworer also do not provide for the aforementioned deficiencies of the primary references. The present invention has been distinguished from each of these secondary references in the remarks in the Amendment After Final Rejection filed July 29, 2010, which remarks are hereby incorporated by reference.

In view of the above amendments and remarks, it is respectfully submitted that the claims as amended patentably define over the cited references. Accordingly, reconsideration and allowance of the amended claims is requested.

A Petition for Extension of Time is filed herewith to permit the timely filing of this Amendment within the two month extension of time.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 635.45828X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

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